



February 4, 2021

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Facilitating Shared Use in the 3.1-3.55 GHz Band, WT Docket No. 19-348*

Dear Ms. Dortch:

On February 2, 2021, Michael Calabrese, representing the Open Technology Institute at New America (OTI), spoke (by telephone) with Umair Javed, acting chief counsel, and Ethan Lucarelli, acting legal advisor for wireless and public safety, to Acting Chairwoman Jessica Rosenworcel, concerning the above-listed proceeding. Calabrese also spoke (by telephone) on February 4, 2021, with William Davenport, chief of staff and senior wireless advisor to Commissioner Geoffrey Starks, concerning the same above-listed proceeding.

I reiterated OTI's view that extending the CBRS framework is the most expeditious and productive way to make this band available for 5G-capable networks and services.¹ OTI believes that despite the statutory deadline to commence an auction, the Commission's new leadership should immediately consult with NTIA and with the Department of Defense on a more holistic approach to sharing the military radar bands between 3100 and 3550 MHz. Rather than pursue an incremental approach premised on clearing and auctioning only the 3450-3550 MHz sub-band based on an exclusionary C-band auction format, OTI believes that it should be possible to open more spectrum, and sooner, by extending or adapting the three-tier CBRS framework and making both PALs and GAA available to a far wider variety of users and use cases.

We also discussed the elements of the CBRS framework that would be most important to enhance the Commission's proposal in the pending NPRM. One is to ensure a portion of 3450-3550 MHz is available for GAA use. CBRS is already proving that an integrated band with both

¹ See Reply Comments of New America's Open Technology Institute, *Facilitating Shared Use in the 3.1-3.55 GHz Band*, WT Docket No. 19-348 (March 23, 2020).

licensed spectrum and shared GAA operating under the same technical rules promotes innovation, competition and more localized deployments by a wider variety of ISPs, enterprise and other institutions. Compared to C-band, the CBRS auction had roughly ten times as many bidders participate in bidding for one-fourth as much spectrum. In a recent report, OTI profiled a number of school districts in rural and exurban communities that already are using GAA spectrum to build out private LTE networks to connect their students who are on the wrong side of the homework gap.²

Another key element of CBRS that can be extended readily to the 3450-3550 MHz is GAA use of vacant spectrum on a “use-it-or-share-it” basis. The Commission can leverage the Spectrum Access Systems in the adjacent CBRS band to coordinate GAA use of 3450-3550 MHz in areas where the spectrum is not in use while fully protecting primary licensees. The Commission similarly authorized use-it-or-share-it in the post-auction 600 MHz band, managed by the TV Bands Database. As OTI explained at length in comments the secondary markets proceeding in 2019, a use-it-or-share-it rule expands productive use of spectrum without risk of harmful interference and without undermining the deployment plans of primary licensees.³ If there is a concern about stranded users, the rules can require that GAA equipment conform to CBRS technical rules, so that any opportunistic user always has access to the CBRS band (and at least 80 megahertz of GAA spectrum) as an alternative.

A third key element is a coordination rule at the band edge, particularly if the technical rules for 3450-3550 MHz allow far higher power than the limits on PALs in the neighboring CBRS band. TDD synchronization or a similar coexistence solution should be a condition on any licenses.

Respectfully submitted,

/s/ Michael Calabrese
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cc: William Davenport
Umair Javed
Ethan Lucarelli

² See Michael Calabrese and Amir Nasr, “The Online Learning Equity Gap: Innovative Solutions to Connect All Students at Home,” Open Technology Institute at New America (Nov. 17, 2020), *available at* <https://tinyurl.com/y3vl3a6q>.

³ Comments of OTI and Public Knowledge, *Partitioning, Disaggregation and Leasing of Spectrum*, WT Docket 19-38 (June 3, 2019).